

1 Felicia Medina (SBN 255804)
fmedina@medinaorthwein.com
2 Jennifer Orthwein (SBN 255196)
jorthwein@medinaorthwein.com
3 Shauna Madison (SBN 299585)
smadison@medinaorthwein.com
4 MEDINA ORTHWEIN LLP
5 230 Grand Avenue, Suite 201
Oakland, CA 94610
6 Telephone: (510) 823-2040
7 Facsimile: (510) 217-3580

8 *Attorneys for Plaintiff C. Jay Smith*

9
10 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
11 **OAKLAND DIVISION**

12 C. JAY SMITH (a/k/a CARY KEETON SMITH),

13 **Plaintiff,**

14 v.

15
16 RALPH DIAZ; RON DAVIS; T. DUKE; R.
17 FESTON; B. HAUB; M. BLOISE; Y. FRANCO; and
M. TAYLOR,

18 **Defendants.**

Case No. 4:20-cv-04335-HSG

**JOINT STIPULATION AND
ORDER TO EXTEND DEADLINE
FOR PLAINTIFF TO OPPOSE
DEFENDANTS' MOTION TO
DISMISS**

Judge: Hon. Haywood S. Gilliam, Jr.
Trial Date: Not Set
Action Filed: June 29, 2020

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21 Under Local Rule 6-2, Plaintiff C. Jay Smith ("Plaintiff") and Defendants Diaz, Davis, Duke,
22 Feston, Haub, Bloise, Franco, and Taylor (collectively "Defendants"), by and through their respective
23 counsel of record, hereby stipulate and jointly request as follows:

24 WHEREAS, on March 17, 2021, Defendants requested, through a joint stipulation, a first
25 extension of time of sixty (60) days to respond to Plaintiff's complaint (ECF No. 15);

26 WHEREAS, on May 21, 2021, the Court ordered Defendants to file a response within twenty-one
27 (21) days (ECF No. 19);

28 WHEREAS, on June 9, 2021, Defendants' counsel contacted Plaintiff's counsel by email and

1 requested an extension of time to respond to Plaintiff's complaint;

2 WHEREAS, on June 10, 2021, the Parties met and conferred telephonically about Defendants'
3 request for an extension of time to respond to Plaintiff's complaint. As a result of the meet and confer
4 process, the Parties agreed to extend Defendants' deadline to respond to Plaintiff's complaint by twenty-
5 one (21) days and to reciprocally extend Plaintiff's deadline to oppose Defendants' motion to dismiss by
6 twenty-one (21) days, in the event that Defendants file a motion to dismiss. Plaintiff's counsel's request
7 for an extension of time was based on the additional barriers Plaintiff's counsel face to communicate with
8 Plaintiff due to the nature of incarceration;

9 WHEREAS, on June 11, 2021, Defendants requested, through a joint stipulation, a second
10 extension of time of twenty-one (21) days for Defendants to respond to Plaintiff's complaint and a
11 reciprocal extension for Plaintiff to oppose Defendants' motion to dismiss, in the event that Defendants
12 file a motion to dismiss (ECF No. 23);

13 WHEREAS, on June 14, 2021, the Court granted Defendants' second extension of time of twenty-
14 one (21) days to respond to Plaintiff's complaint (ECF No. 24);

15 WHEREAS, on July 2, 2021, Defendants filed a Motion to Dismiss Certain Defendants and Claims
16 in Plaintiff's Complaint (ECF No. 25);

17 WHEREAS, the Parties believe good cause exists to extend Plaintiff's deadline to oppose
18 Defendants' Motion to Dismiss Certain Defendants and Claims in Plaintiff's Complaint;

19 WHEREAS, the Parties previously agreed to a reciprocal extension of time to respond to
20 Defendants' Motion to Dismiss Certain Defendants and Claims in Plaintiff's Complaint during the June
21 10, 2021 telephonic meet and confer; and

22 WHEREAS, the Parties do not believe that the twenty-one (21) day extension of Plaintiff's
23 deadline to respond to Defendants' Motion to Dismiss Certain Defendants and Claims in Plaintiff's
24 Complaint will have a significant effect on the schedule for the case;

25 THEREFORE, IT IS HEREBY STIPULATED, by and between the Parties, through their
26 respective counsel of record, and subject to Court approval, that Plaintiff's deadline to oppose Defendants'
27 Motion to Dismiss Certain Defendants and Claims in Plaintiff's Complaint be extended by twenty-one
28 (21) days, up to and including August 13, 2021.

1 **IT IS SO STIPULATED.**

2 Dated: July 12, 2021

/s/ Janet N. Chen

3 Janet N. Chen, Deputy Attorney General
4 Attorney for Defendants

5 Dated: July 12, 2021

/s/ Jennifer Orthwein

6 Jennifer Orthwein, Medina Orthwein LLP
7 Attorney for Plaintiff

8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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10 Dated: 7/19/2021



11 Hon. Haywood S. Gilliam, Jr.
12 U.S. District Court Judge
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